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February 6, 2009

Judge Frederick Block
Senior United States District Judge
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Den Hollander v. Donovan, et al., No. 08 CV 4045 (FB)(ECF)

Dear Senior Judge Block:

At a pre-motion conference on February 6th in the above captioned copyright infringement case, you asked me a deposition question as to whether I published the six essays at issue in the case. I answered in error as a layman would and said "yes." The correct answer under 17 U.S.C. § 101 of the Copyright Act is "no." The essays were only temporarily "displayed"—not published.

Your clerk stated the conference was off the record, but counsel for the defendants noted my mistaken answer and will likely use it in her motion to dismiss papers.

Thank you for your time.

Sincerely,

Roy Den Hollander (1957)

CC: Diane Krebs, Esq.
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